

## REMARKS

### Indication of Allowable Subject Matter

Applicants greatly appreciate the Examiner's statement in the previous Office Action in which claims 1-26 and 32-36 would be allowable if rewritten or overcome the rejections(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

### Response To Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-36 are rejected under 35 U.S.C. 112 2<sup>nd</sup> paragraph. The Office Action indicated that this rejection would be overcome by an appropriate amendment to the preamble of independent claims 1, 14, 27, and 32. The undersigned attorney discussed this briefly with Examiner Gandhi on March 23, 2006 by telephone. During that discussion, Examiner Gandhi confirmed that an amendment to the preambles of these claims, which added the term "computerized" would be sufficient to overcome the rejection under 35 U.S.C. §112, second paragraph. In response, Applicant has amended independent claims 1, 14, 27, and 32 accordingly. As amended, these claims overcome the rejection.

### Response To Claim Rejections Under 35 U.S.C. §103

On a substantive basis, claims 27 and 29-31 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over *Cho* (U.S. Patent No. 6,604,012). Applicant respectfully requests reconsideration of this rejection on the grounds that *Cho* does not teach, disclose, or suggest all the features in claimed invention (as embodied in the amended claims).

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either

implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Independent claim 27, as amended to include the feature in the original claim 28, recites: “*the batch comprises a predetermined number of lots being grouped and sorted according to a priority rule and respective capability.*”

Independent claim 27 is allowable for at least the reason that *Cho* does not disclose, teach, or suggest the features that are highlighted in claim 1 above. More specifically, what *Cho* teaches is concerned with a lot dispatching method and system for variably applying the most suitable processing equipment and/or processing condition in a succeeding process of a semiconductor manufacturing, as mentioned in the abstract of *Cho*. Basically, the object of *Cho* is to find the most suitable equipment or processing condition for a lot in view of the process results of previous lots. As taught in step S50 of Fig. 3, cited by the Office Action, *Cho* finds the skew and span with the pair of equipment of preceding and succeeding processes in order to determine a dispatching order of lot to succeeding processing equipment. The dispatching order shows the priority of equipment, but not lots, for succeeding processing, as discussed in steps S52a and S52b of Fig. 3.

There are three embodiments disclosed in *Cho*. The first embodiment of *Cho*, starting from Col. 8, line 38, finds the most suitable equipment of succeeding processing for one lot. The second embodiment, starting from Col. 13, line 61, finds the most suitable recipe for one lot. The third embodiment, starting from Col. 17, line 14, finds the most suitable recipe and the most suitable equipment for one lot. Significantly, every embodiment of *Cho* is concerned about only one lot. Nowhere is it taught in *Cho* to find the priority for multiple lots. It is not needed or taught for *Cho* to group and sort lots because *Cho* is concerned with only one lot. Furthermore, since the concern

is only for one lot, there is no priority needed for lots in *Cho*. For at least this reason, *Cho* fails to teach grouping and sorting according to a priority rule as required in claim 27 of the claimed embodiment. As *Cho* does not teach, disclose, or suggest all the features in claim 27, independent claim 27 should be allowable and the 103 rejection should be withdrawn.


As independent claim 27 is allowable over the prior art of record, its dependent claims 29-31 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their respective independent claim 27. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-27 and 29-36 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

By:   
Daniel R. McClure  
Registration No. 38,962

**Thomas, Kayden, Horstemeyer & Risley, LLP**  
100 Galleria Pkwy, NW  
Suite 1750  
Atlanta, GA 30339  
770-933-9500